MINUTES SUMMARY OF THE COMMERCIAL FISHING INDUSTRY VESSEL SAFETY ADVISORY COMMITTEE (CFIVSAC) 23rd MEETING

November 12-13, 2003
Washington D.C.

The 23rd meeting of the Commercial Fishing Industry Vessel Safety Advisory Committee (CFIVSAC) was held at the Omni Shoreham Hotel in Washington D.C. on 12-13 November 2003. Representing the U.S. Coast Guard were: CAPT Joseph Servidio, Chief, Office of Compliance (G-MOC) and Executive Director for CFIVSAC; Mr. David Beach, Assistant to the Director, Fishing Vessel Safety Division (G-MOC-3); LT Ken Vazquez, Commercial Fishing Vessel Safety (CFVS) Specialist; ENS Ken Rockhold, Office of Compliance Fishing Vessel Safety Division (G-MOC-3); and Mr. Kevin Frost, Fishing Vessel Safety Division (G-MOC-3).

The following Committee members were present:

Mr. James Herbert, Chairman
Mr. Howard Candage
Mr. David Hamker
Ms. Judith Harris
Ms. Kim Nix
Mr. John Nortsworthy
Ms. Beverly Noll
Ms. Bonnie Spinazzola
Mr. Gregory Switlik, Sr.
Mr. Jeffrey Weborg
Mr. Timothy Torrence

CFIVSAC 23rd Meeting November 12, 2003

I Commencement

Chairman James Herbert called the meeting to order. Chairman Herbert welcomed all the members and attendees, as well as regrets of those who could not make it to the meeting John Lewis, Auria Vanison, Bill Shaisnikoff, Melissa Hertel, Joseph Doan, and David Jenkins. He extended his congratulations to Captain Servidio on his recent promotion and a special welcome to the new committee members Harris, Spinazzola, and Candage, initiating introductions.

Introductions

New Members
Harris: Manager of Maritime and Fisheries Policy for the City of Portland, Maine; Director of Port Security, post 9-11; municipally paid employee of the city to be an advocate for the fishing industry to develop training programs, look at safety issues and economic development, and managed communication; also in charge of marine and environmental compliance and act as liaison between USCG, fishing fleet, and all other commercial vessels. Formerly, management consultant to seafood companies and boat builders, and owner of fishing vessels in Honduras and Maine.

Spinazzola: Executive Director Atlantic Offshore Lobster Run Association
Former aide to U.S. Senator focusing in day to day interaction with fishermen and the commercial fishing industry. Spinazzola expressed a special interest and dedication to communications and education of safety and regulatory issues.

Candage: Insurance consultant from Portland, Maine with experience in commercial fishing business, brown-water business, and marine contracting; also experienced in the underwriting for the commissioning and placement of commercial vessels. Currently focused in risk management consulting, and formerly a commercial fisherman and fishing vessel owner.

Other committee and audience members introduced themselves and highlighted each one's particular area of interest as it pertained to CFIVSAC.

Non-member attendees included: Larry Yarbrough, Vicki Cornish, Joe Meyers, Ken Rockhold, Kevin Frost, Ted Harrington, Dennis Robinson, Ken Lawrenson, Mike White, Don Harper, Dave Westerholm.

Introductions were followed by the swearing in of new members.

II Agenda

Offered for motion by Chairman Herbert: the approval of minutes from the 22nd CFIVSAC meeting in August 2002. Motion to accept by Weborg, seconded by Switlik. Approval was contingent on small revisions being made and technical difficulties be addressed. These issues included misspellings and typos; lack of electronically attached appendixes on the USCG website, and needed follow-up on technical problems with the bumper sticker posted as a graphic on the website.

III Remarks: CAPT Servidio

CAPT Servidio expressed he felt the focus of this meeting would center on USCG undergoing changes since last meeting, looking to revitalize CFIVSAC efforts, and refocusing message that needs to be sent. CAPT Servidio discussed the new culture, changes occurring within USCG due to the transition from the Department of Transportation to the Department of Homeland Security as well as other changes in internal operations and how those changes may impact commercial fishing industry safety. He briefly addressed MTSA and the domestic and international security regimes, offering to discuss in broader depth after hours and/or making a more detailed presentation available to interested parties. Lastly, CAPT Servidio reiterated the location of the meeting had been selected to coordinate with the National Fisheries Conference.

A Refocus on Fishing Vessel Safety in Times of Coast Guard Change

- **Skewed towards safety conscious CFVs**

Tools in place seem to reach only vessels that are already safety conscious vessels.

- Voluntary dockside exams
- Education & outreach
- At-Sea boardings
  - Fix-it Tickets

- **Present program appears to have hit plateau**
  - Only reaching 6 – 7% of the fleet, need to review the efficacy of regulatory and communication tools
  - However, solutions are limited by funding and resources; mandatory periodic exams not supported
  - Poses the question, is the right population being reached?
- **Risk-based approach, focusing on vessels that seem to fall into high risk categories**
  - Continue voluntary dockside exams
  - Share best-practices; for instance, D-17 and D-13 have had marked success with more activity in their respective programs and more aggressive regulations
  - Use existing authorities to target "high risk" fishing vessels, for pulse operations, mandatory exams, or other programs.

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CAPT Servidio asked for questions.

Switlik asked if there were any measures in place to index high-risk vessels.

CAPT Servidio replied that some of the districts have come up with some standards, but what the USCG is looking to do is take those and try to rationalize a national framework, still leaving a lot of the responsibility to the individual areas and districts. He also expressed hope that the CFIVSAC subcommittee will be able to "put some meat on the bones" of proposed high-risk vessel indexes.

Hamaker commented that these indexes must be reached without using more USCG manpower, and asked if those considerations had been taken in to account.

CAPT Servidio again emphasized the need to utilize existing authorities in creative ways to accomplish safety goals. Further discussion brought up that some areas had indexing systems in place to target higher-risk vessels. However, as Torrence pointed out, there are divergent concerns across the country. Ultimately, it was decided further discussion would be continued in the subcommittee.

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- **Focus on safety & non-safety conscious CFV populations**

Discussion of differences in the USCG past and current position in agency hierarchy and organizational structure. (*See Appendix A;* A Refocus on Fishing Vessel Safety in Times of Coast Guard Change Presentation)

- **Newly established HQ Directorates**

- CG-2 Intelligence
- CG-6 Command, Control, Comms, Computers & Information Technology
- CG-8 Planning, Resources & Procurement

- **Other potential issues**
  - DHS alignment; new region delineations may be formed under DHS that might necessitate reorganization with USCG operations.
  - Port coordination; potentially more tangible link between Marine Safety Office and the vessels.
- **Building relationship**
  - Informal start to pushing for a maritime security regime that is in closer alignment with what needs to happen internationally.
- **Briefing on Commandant's Key Note speech**
  - Strong regulatory schemes
  - Enforcement presence
  - Investment in technology
  - Effective partnerships

End of presentation (*See Appendix A).* Chairman Herbert suggests altering the agenda by postponing solicitation of nominations for leadership positions until the second day. He asked for any further suggested additions or changes to the agenda at this time. No objections or amendments were observed.

IV Remarks: Mr. David Beach
Assistant to the Director, Fishing Vessel Safety Division (G-MOC-3)

Mr. Beach commented that there has been a new enthusiasm and more push from "the people upstairs" to further the efforts in commercial fishing safety standards and procedures. He spoke to try to identify some major areas of interest from USCG. The proceeding question and answer period and discussion revolved around the mechanics of regulations and how they translate into procedure. A unanimous concern of the committee hammered at the need for better communication, education and mandatory training.

Issues highlighted by Mr. Beach included:

- Hit major difficulty pushing through Proposal 64 on new dockside examination measures.
- Training programs have become a primary focus for realistic improvement.
- Several projects taken on over the last 12 months are in varied stages of progress: studies on survival equipment and training enhancements for stability constructs, emergency suits, EPIRBs,EPIRGs, rafts, watertight integrity standards; review information regarding data collection.

- Death rate appears to be dropping; however, this could be a fluke, as that procedures have remained stable; the numbers don't support any recommendations.

The question and answer discussion highlighted the need for closer examination of comment time for proposed regulations as well as better, clearer communication about new regulations and general message dissemination to the fishermen.

On the topic of data analysis, Chairman Herbert voiced a standing opinion of the committee calling for compiled data that would sort lists of casualties into cross-referenced data sheets with the total number of losses, fatalities by district, and historical comparisons.

Beach replied efforts will be made to generate such data.

Torrence compared casualty statistics from the Gulf of Mexico and Alaska, remarking on the lack in requirements for emergency and survival suits in the Gulf of Mexico and its correlation to the total losses. He called for a stricter requirement on cold water definitions and consequent regulations.

Frost agreed that a more aggressive approach has been fruitful in some districts, and issue to be visited later in the meeting.

Harris questioned if there were any studies correlating fishing effort and reduced safety, pointing to a drop in fishing effort (due to regulations) as the cause for drop in death rate.

Beach agreed the economic conditions and reduced fishing efforts were a probable factor.

Another possible cause in the death rate drop could be the denominator data, how many are truly commercial fisherman for how many days per year, a position supported by Chairman Herbert, Hamaker, Harris and audience member Jennifer Lincoln.

Noll redirected discussion back to cold water and safety equipment regulations, saying that regulations were only as good as the training and education that the fishermen receive.

Switlik agreed with not losing the human element in data analysis, pointing out that the largest cause of fatality is "man overboard," which has nothing to do with fishing effort. He supported looking at the individual casualties and asking, "can we solve that?" That kind of solution analysis is lost in raw numbers. Torrence agreed, saying statistics are misleading and risk/hazard analysis is thus impaired.

Harris also pointed to the disconnect between council regulation and what the USCG can do from a safety standpoint. There is a problem with many of the fisheries being governed by litigation. The compliance to court orders often leaves little room for safety measures. Harris argued that's why one side will always blame it on regulations, the other

on safety compliance. There has been no response from NMFS – National Marine Fisheries Service. She stressed looking at the reauthorization process when it comes to the National Standard Guidelines and strengthening the language, bringing safety more to the forefront in fisheries regulation.

Weborg supported Harris and continued that the politics of regulations and mandates confuses the goal of safety. Furthermore, mandates for the fishermen need to be supported by funding. Torrence and Spinazzola also agreed.

Switlik warned against the politicizing of casualties and pinning the blame on safety regulations and fisheries management. He again supported action to look more closely at the individual casualties and the individual conditions. Chairman Herbert agreed.

Mr. Wayne Warner, a commercial fisherman attending the National Fisheries Conference, sits on various industry advisory panels agreed with focusing on training and safety; however, in the past few years he has seen his prices go down by 30 to 40%, and at the same time with increased IFQ regulations, he has seen his costs go up by 30 to 40%. Warner reminded the committee to not lose sight of the fact that commercial fishing is the livelihood for those whose safety is at risk. In any discussions about safety, one must keep in mind the expense and realistic repercussions regulations can have on the fisherman.

V Old Business

Chairman Herbert told the committee that after the last meeting, he wrote letters to all the councils, and Vince O'Sheay, the head of the Fishery Commission. Two responses were received, which was discouraging. He hopes for more response in the future. He asked for a USCG update on the Artic Rose investigation, saying due to the loss of 15 lives in the incident, it should be a catalyst to push forth issues that have been before the committee over the past 12 years. Chairman Herbert also expressed concern that with the slow deliberative process involved, some focus has been lost. He asked what the status of the investigation is both with USCG and the concurrent independent study.

LT Vazquez responded saying that the report will soon be available from the Office of Investigation in the next two weeks. Frost commented he did not know where the independent study stood.

Hamaker suggested this incident should be looked at in special interest or high risk vessel discussions, citing that this is an incident of asking too much from a vessel's equipment. LT Vazquez agreed saying it pointed back to what Switlik had said earlier. One issue Hamaker would like to submit would be to promote a "whistle-blower" situation, saying that the crew often knows more, or is more forthcoming about information about the vessel than the captain or owner of the vessel.

Chairman Herbert then brought up the old business from a presentation by Mr. White at the last meeting regarding stability standards.

White proceeded to give an update. They had identified 800 vessels nationwide that were 79 ft or larger built after 1991, which is when new regulations regarding water-tightness and other safety measures including stability books onboard were in place. Out of those 800, 500 vessels were identified in the Gulf of Mexico. A media blitz outreach program was conducted. At this point he estimated that about 50% of the boats were in compliance.

White offered as a side note, just because these books were onboard does not mean the crew understood them. There is a disconnect between compliance and training. Hamaker agreed, saying crews don't know how to read the stability booklet or use it and urged efforts toward influencing naval architect to write more readable books. Vazquez and Chairman agreed. White continued that there is $3,000-$5,000 cost placed on the fisherman for this compliance.

Nix asked what the benefit for the fisherman is when he and his crew cannot understand the book, especially when there is a language barrier. She asked, why the fisherman should spend that money just to avoid a USCG citation. She urged that training must be in place so that the crews and captains know that it is for their safety and be able to utilize the stability books as a safety resource.

Other concerns raised about this issue included: providing complete stability manuals, requiring captains to attend training on how to use the charts and information in the manuals, adjustments to the presentation and layout to make the booklet easier to read for the lay person, providing the manuals in multiple languages (especially Vietnamese and Spanish), providing both electronic and hard copy versions.

The last issue under old business, was brought up by Weborg regarding pursuits in communicating to the fishermen what kind of equipment is needed for each vessel regarding boundary lines. He called for clearer information so that the fishermen could know what the boundary line was, where it was, and why. Frost replied that USCG can't make recommendations on the issue without being able to provide hard numbers.

VI Presentation by Mr. Ken Lawrenson

Commercial Fishing Vessel Safety Coordinator USCG Marine Safety Office
Portland, Oregon

Operation Safe Crab: A Risk Based, Regional Intervention

Introduction

Identifying a high-risk fishery can be subjectively easy, even though reliable statistical data is often difficult to obtain. Blending casualty, population and environmental data, along with a healthy dose of best guess, the U. S. Coast Guard Thirteenth District recognized the vital need to develop and implement an at-the-dock safety intervention for Oregon and Washington commercial Dungeness crab fishing vessels. A tragic series of

mishaps in the 1999-2000 season provided the most compelling reason to act, and prompted "Operation Safe Crab" for the last three crab seasons.

"Operation Safe Crab" is a bold idea to the Coast Guard: attempting to replace previous random voluntary dockside safety examinations with a targeted, large-scale on-the-dock Coast Guard presence tied to credible consequences for those vessels unable or unwilling to comply with federal safety regulations. The authors will present underlying data and analysis that support a risk-based approach to improving safety for this fishery. In addition, we will tell the story of the goals, planning, resistance within the Coast Guard to this effort, making the lawyers happy, deploying resources, counting the costs, and examining the results of our efforts.

Conclusion

Given the success of at-the-dock enforcement efforts started in 1999 in Alaska, and the loss of six fishermen and three vessels off the Oregon and Northern California coast that same winter, effective action by the 13th Coast Guard District was cleared needed. The nature of the fishery, with its predictable locations and timing, easily lent itself to a specific, targeted at-the-dock operation. This would be a just-in-time outreach to check stability and crabpot loading, EPIRBs and liferafts, on the vessels most at risk, but with a "new" dimension: vessels with especially hazardous conditions would be prohibited from fishing until corrections were made.

The goals of "Operation Safe Crab" were simple: examine as many crab vessels as possible, apply uniform standards across the fleet, focus on the high-risk causal factors, keep the exams short to minimize disruption to vessels, keep the Coast Guard examiners safe, provide credible consequences for non-compliance, involve the Coast Guard's law enforcement personnel, ensure that the operation was well-publicized, and make the best use of Coast Guard resources.

Thorough planning was the key to meeting these goals. The objectives and methods were communicated among the key players, and carefully selected examiner teams were deployed, supported by data collection tools and reporting documents. Issues of Coast Guard authority were discussed, and clear "rules of engagement" given to all examiners.

In the last three years, "Operation Safe Crab" has reached nearly 100% of the crab fleet. Vessel discrepancy rates have steadily dropped. Critical lifesaving equipment has been brought into proper condition. Although the numbers are small, a decrease in the number of deaths and of vessel losses causing a death has been noted from the three years immediately prior to the first "Operation Safe Crab" and the three years since. Anecdotally, we believe safety awareness and expense by vessel owners on safety gear have increased.

A detailed discussion of the policies and actions of our last effort, "Operation Safe Crab 2002," was presented. Several lessons-learned were given, including the need for better communication and coordination with Coast Guard law enforcement personnel. In the

future, continued safety improvements can be accomplished through reallocation of law enforcement effort from fishery management enforcement to fishing safety enforcement.

We believe that following our methodology, other regional regulatory safety authorities can attain similar results with a cooperative, risk-based approach to prevention.

(See Appendix B for Power Point Presentation)
(See Appendix C for Detailed Written Report)

Following discussion revolved around how this operation and its consequent lessons could be parlayed into benefits for other fisheries and districts with no conclusions made by the committee. It was suggested to apply this information in subcommittees and individual district discussions. The major themes derived from discussion at this point focused on training, incentives, and the utilization of limited resources and manpower.

VII Presentation by Ms. Vicki Cornish

NOAA Fisheries Observer Programs

Scope of NOAA Fisheries Observer Programs:
- Emphasis on bycatch monitoring, catch estimation, and biological sampling
- Both federal and industry funding
- Primarily contracted observers
- Over 500 observers in 20+ fisheries
- Various levels of coverage

Why do we have fisheries observers?
- Collection of fisheries, environmental, and socio-economic data
- Compliance monitoring
- Verification of other data sources (logbooks, landings)
- Provides information to estimate and mitigate bycatch Observer Programs

Primary Objectives:
- Meet the agency's needs as mandated by existing laws, regulations, fishery mgmt plans, and ESA biological opinions
- Ensure that data are of high quality and collected according to a rigorous sampling design

NMFS observers do not:
- Assist in crew activities
- Interfere with or direct fishing activities
- Enforce regulations

Authority to Place Observers:
- Magnuson-Stevens Fishery Conservation and Management Act (MSA)

•Marine Mammal Protection Act
•Endangered Species Act
• Fisheries with Observer Coverage
• National Observer Program

Observer Safety:

- Standardized training
- Revising Observer Health and Safety regulations to:
    - Prohibit observers from being deployed on unsafe vessels
    - Require pre-trip safety checks
- Providing Marine Safety Instructor training for all observer trainers
- Evaluating and better documenting safety training procedures

For more information:
Visit the NOAA Fisheries
Observer Program website at: www.st.nmfs.noaa.gov/st1/nop

(See Appendix D for Power Point Presentation)

VIII Presentation by Mr. Murray

New technologies to improve man-overboard recoveries

Mr. Murray informally discussed burgeoning technologies to address man-overboard related safety concerns. He discussed the changes seen in commercial fishing equipment over the last 30 years, such as weather radar, autopilot, fish finders, fuel injection, and GPS. However, one component has not changed—the tethered lanyard that acts as a kill-switch for the engine. The device works within the same 30-year-old limitations, if it is used at all. Murray explained the device that he and his partner have devised to address this gap in safety equipment that could have a dramatic effect on man-overboard accidents. The device utilizes a radio-control technology for a kill-switch. The concept is similar to the simple circuitry found inside a garage door-opener. In its simplest form, the device works on the concept of constant communication with its receiver. When the communication is interrupted between the transmitter (worn by the crew member or captain) and the receiver (placed inside the engine), the interruption acts as a kill-switch signal.

Possible applications for the product include:

- programming different reactions at the loss of communication link, such as idling, setting off audio alarms
- placing a GPS transponder on the transmitter to give last transmitted location
- transmitting a data packet through the receiver could also record date and time, and other information
- utilized on sailboats by activating a probe
- security device used for anti-theft

This technology is off-the-shelf radio transmission technology. Murray cited keyless entry devices using digital codes and multifunctional transmissions as support for similar technology already in place. The cost of such devices would reflect such simplicity of technology.

Murray stressed that man-overboard is a critical issue that could be addressed more aggressively. However, the technology will remain the same unless it is pushed forward either through regulation or litigation. Finally, he requested the committee to submit any feedback for other features to be incorporated into the design.

IX Presentation by Dr. Al Stienman

Dr. Stienman briefed the committee on scientific research conducted regarding cold water and the human reaction under various conditions in attempt to give a more complete background for discussing the "cold water" line determinations for regulations.

Hypothermia, Drowning and Cold Water Survival

1. Cold water (below 68°F) predominates in North American oceans, lakes and rivers. Merchant vessels sailing these cold waters need to provide adequate protection for their crews in case of accidental immersion. The selection of a critical water temperature for carriage of personal protective equipment requires a consideration of the science of hypothermia, as well as the economic costs of such equipment.

2. The facts about the dangers of immersion in cold water are as follows:

   (a) There are four clear stages of immersion in which death can occur. These are:

      1. Cold shock (kills within 3-5 minutes after immersion).
      2. Swimming failure (kills within 30 minutes after immersion).
      3. Hypothermia (kills after 30 minutes of immersion).
      4. Post rescue collapse (kills at the point of rescue or up to several hours afterward).

   (b) The cause of death associated with each stage respectively is:

      1. Drowning, heart (circulatory) and respiratory problems.
      2. Impaired physical performance leading to inability to self-help, swimming failure and drowning.
      3. Deep body cooling leading to hypothermia and drowning.
      4. Collapse of arterial blood pressure leading to cardiac arrest.

3. Up until 5-8 years ago, the problems associated with stages 1-2 and 4 have largely been considered of academic interest only. Stages 1, 2 and 4 can have a profound influence on survival probability as the water temperature falls and the sea state

worsens. With regard to the condition of hypothermia, for a normally clothed "typical passenger" this is accelerated if whole body exercise is performed in the water (i.e. swimming).

4. Historically, there has been a preoccupation with hypothermia. This has been reflected in the predictive survival curves based on the time to reach hypothermia. Thus, excellent teaching and training programs, standards and equipment have been developed aimed at reducing this specific threat. However, it is now considered that the early responses to immersion (stages 1 and 2) probably account for the majority of open water immersion deaths. What has been overlooked is the significance of the first two stages - cold shock and swimming failure as a cause of death.

5. Survival prediction curves are of limited value only. This is because they do not take into account that death may occur from cold shock, swimming failure and drowning during early hypothermia. The curves should be revised to include these factors.

6. The initial responses (stage 1) peak in water between 50-60ºF, but still occurs in warmer water (e.g. <75 °F). Swimming failure (stage 2) occurs much sooner in cold water than in warm water, even in proficient swimmers. As a consequence, humans tend to grossly over-estimate their swimming capability in cold water. This is a little known, but central factor in the cause of death.

7. From all the combined research on cold water accidents and scientific research, it has become clear that sudden immersion in cold water, (below 68°F) is very dangerous. It should be avoided if at all possible. Furthermore, a conscious decision to swim (and rescue oneself) or stay floating still in the water should not be taken lightly without assessing the pros and cons. It has now been shown that a person's swimming ability in warm water bears no relationship to that in cold water.

8. These scientific findings lead to practical advice regarding the regulations requiring the carriage of life rafts and survival suits and training of operators of passenger carrying vessels.

   (a) Wherever possible entry into water below 68°F should be avoided. Direct entry into a life raft should be the objective.

   (b) The Coast Guard should use this philosophy in the design, development and implementation of all regulations and/or new legislation. All vessels operating on all waters less than 68°F (oceans, lakes and rivers in North America) should carry life rafts that can be easily launched and boarded by the entire crew. Immersion suits should also be carried on all vessels operating in cold water.

   (c) The only exception to this should be where it is physically or practically impossible to stow a life raft or immersion suit. Under such conditions the passengers must wear appropriate lifejackets when on board.

(d) Closeness to the shore or the carriage of EPIRB are not a reason for waiving this requirement because death from cold shock will occur within 3-5 minutes, and swimming failure in under 30 minutes. EPIRB alerts average between 90 minutes and 2 hours.

(e) Emergency medical training curricula should be amended to include the concepts of cold shock, swimming failure, hypothermia and post-rescue collapse.

(f) Even though there are well-established teaching programs, regulations and much improved life saving equipment, there are still far too many open water deaths each year. What has been overlooked is the significance of the first two stages--cold shock and swimming failure as a cause of death.

Discussion that followed highlighted the problem that deaths that have been attributed to drowning, may actually be due to cold water before hypothermia can set in. There is a possible disconnect where regulations define "cold water" and where the body would be subject to cold water fatalities. There are many factors to be considered including the individual, but ultimately, the best protection against cold water is equipment (suits). The other issue highlighted in discussion was the need for training and education how to react in cold water conditions. Chairman Herbert suggested a subcommittee or subgroup form to produce a statement and strategy supporting educational outreach to support the new information gathered from this presentation and discussion.

X Remarks by ENS Ken Rockhold
Office of Compliance (G-MOC-3) Fishing Vessel Safety

Citizenship Waivers
Due to time constraints, the committee was advised by ENS Rockhold to revisit read-ahead materials that include published information on citizenship waiver requirements and regulations. This literature is also available to the public through the USCG website. http://www.uscg.mil/hq/gm/cfvs/images/policyltr.pdf

ENS Rockhold briefly outlined the USCG policy that with few exceptions, only U.S. citizens or lawfully permitted residents of the U.S. can serve as a licensed seaman on fishing, fish-processing, and fish tender vessels engaged in fisheries in navigable waters in the U.S. territories. The waiver policy provides that up to 25% of the unlicensed seamen aboard those fishing industry vessels can be non-resident aliens employable under the Immigration and Nationality Act. Lawfully admitted non-resident aliens must hold visas issued by the Immigration and Naturalization Service. The waiver application is available online: http://www.uscg.mil/hq/gm/cfvs/images/policyltr.pdf

Nix and White highlighted the confusion involved the regulation and its application process, having to maneuver through the local, state and federal governments before reaching USCG. The waiver is separate from the Department of Labor certification work visa. The master of the vessel must be a U.S. citizen.

(See Appendix E for Power Point Presentation)

XI Subcommittee Task 04-03: led by Mr. Joseph Meyers
Identification of High Risk Fishing Vessels

DESCRIPTION OF TASK: Assist the Coast Guard in developing a risk based tool that can be used by Coast Guard Fishing Vessel Examiners to assist them in identifying and targeting high risk fishing vessels at the dock.

RECOMMENDED ACTION: Develop a risk based tool that an examiner can use on the dock to identify/profile the fishing vessel that is the most likely to be at risk for an at sea casualty. The subcommittee was tasked to:

1. Review the RBDM work developed at the August 2002 meeting
2. Develop a consensus definition of what is a "high risk" fishing vessel
3. Develop a tool to rank/identify a "high risk" based on the definition

RESULTS: The full committee participated in this working session. The committee agreed that a "High Risk Vessel" was one which was more likely to be lost at sea resulting in the need for/use of the on board emergency equipment. These vessels were seen as those most likely to benefit from receiving a dockside exam. In a facilitated working session the committee identified additional factors that could be evaluated as part of the risk based tool to prioritize vessels for exams. The goal was to refine the existing tool to address the vessel and management unique issues that would make one vessel higher risk than another.

The following factors were suggested by the committee:

- Visible material condition of the vessel
- The Master &/or Owner reputation and history
- Level of Training - (e.g. Is a certified drill instructor used?)
- Is the vessel designed for the fishery in which it is operating?
- Is the vessel insured? Has it been surveyed recently?
- Have and concerns or complaints been raised about the vessel, master or owner (i.e., "Whistleblowers")?
- Does the vessel/master/owner have a history of safety, environmental or fishing violations?
- Does visible hull growth indicate an inattention to maintenance issues?
- Has the vessel recently undergone significant repairs or modifications?

FOLLOW-UP: The USCG Headquarters staff (G-MSE-1 and G-MOC-3) will evaluate the above factors for suitability for use by the field and will select the most promising factors to be incorporated in the scoring system. The HQ team will provide a suggested scoring system to the committee for consideration and comment. Upon incorporation of the committee's comments, the final scoring system (integrating the existing tool with selected additional factors from the above list) will be provided to the field for a test evaluation of its effectiveness.

TENTATIVE TIMELINE: Proposed scoring system to CFIVSAC 10 JAN 04
Comments back to CGHQ 1 FEB 04
Revised Scoring Tool to Field for Testing 14 FEB 04
Field Test Completed 28 FEB 04

XII Break into Subcommittees
Task 04-05 led by LT Vazquez: RECOMMENDATION ON SURVIVAL CRAFT EXTENSION POLICY

DESCRIPTION OF TASK: Assist the Coast Guard in developing a national policy on whether to allow for an extension of the life raft servicing requirement beyond 12 months.

RECOMMENDED ACTION: Through subcommittee work, develop a consensus recommendation on whether the Coast Guard should allow for life raft servicing extensions and if so recommended what should that policy be.

BACKGROUND: 46 CFR §28.140 states the master or individual in charge of a vessel must ensure that each item of lifesaving equipment must be in good working order, ready for immediate use, and readily accessible before the vessel leaves port and at all times when the vessel is operated. Except for the inflatable liferaft or an inflatable buoyant apparatus less than two years of age, each liferaft must be maintained and inspected annually.

The survival craft, like all lifesaving equipment, is required to be in serviceable condition; if it is not, it is the same as having no survival equipment at all. In this case, a liferaft that has not been serviced within the required timeframe could or would be considered an especially hazardous condition and the CFV could receive a violation and possibly have its voyage terminated. Several Coast Guard Districts have developed grace periods to the regulatory servicing requirement. These District policies can vary from 2 years past the servicing date, to 5 months, to no extension of the 12-month servicing date. There is presently no national policy guidance advising Coast Guard Boarding Officers how to address this situation. It is hoped that this subcommittee's recommendation will support a national policy letter for distribution Coast Guard wide.

Although not required, hydrostatic release units for survival craft are often included in the design of a float free arrangement. Something to consider is that each hydrostatic release unit used in a float-free arrangement must be approved under part 160.063 of 46 CFR. This specifies a 12-month interval between periodic servicing tests for a hydrostatic release unit, and two years after installation is the service life of a disposable hydrostatic release unit. Service or replacement of hydrostatic release units is normally accomplished at the same time as the survival craft servicing. A hydrostatic release unit that is unserviceable makes a survival craft unserviceable, if the survival craft is dependant on that release to float-free.

PROBLEM STATEMENT: The Coast Guard needs to provide its field commands with national policy on when a CFV survival craft is considered to be in an unserviceable condition. Coast Guard personnel have researched this issue and have put together the below options.

1. A survival craft on a CFV that is past due for service, a hydrostatic release unit that is past due for service, or a disposable hydrostatic release unit that has been in service for more than two years, are items that should receive a notice of violation. These are not sole grounds for establishing that an especially hazardous condition exists.

2. A survival craft on a CFV that is past due for service by more than five months (17 months from date of service), a hydrostatic release unit that is past due for service by more than five months, or a disposable hydrostatic release unit that has been in service for more than two years plus five months, are items that should be considered as establishing that the survival craft is unserviceable. Therefore, an especially hazardous condition exists.

3. A survival craft on a CFV that is past due for service by more than ___ months (___ months from date of service), a hydrostatic release unit that is past due for service by more than ___ months, or a disposable hydrostatic release unit that has been in service for more than two years plus ___ months, are items that should be considered as establishing that an especially hazardous condition exists.

4. A survival craft on a CFV that is past due for service, a hydrostatic release unit that is past due for service, or a disposable hydrostatic release unit that has been in service for more than two years, are items that should be considered as establishing that an especially hazardous condition exists.

TASK:

- Review and discuss existing and extension time limits for life raft inspection.
- Discuss possible implications and impacts for each option.
- Recommend one of the three options or develop your own option.
- Select a spokesperson to brief committee on progress.

RESULTS: After discussion, the subcommittee agreed that option 2 as listed above was the best regulation to apply.

Task 04-02 led by Mr. Frost: Provide Recommendation and Guidance on Implementation of a Web-Based Client that Will Provide Commercial Fishing Vessel Operators with a Customized List of Regulatory Requirements

DESCRIPTION OF TASK: Following the BO-JPA presentation evaluate the use of this type of software in a web-based application that is available to the fishing industry.

BACKGROUND: In 2002 the Coast Guard Innovation council funded a project to develop a fishing vessel boarding application using a Personal Digital Assistant (PDA). The device was intended to be able to upload and download information to the Marine Information for Safety & Law Enforcement (MISLE) database and capture violations. After several development meetings it was decided to expand the scope to include a "smart" job aid and to add a dockside examination component because the two boardings were almost exactly the same. The software was developed on a Compaq IPaQ 3950 and beta tested during the summer 2003. Reviews for at sea boarding operations are mixed with some significant problems. The Dockside community has been more receptive and use of the device has increased. The ability of the application to provide a customized examination checklist detailing the applicable regulations is a powerful tool and could possibly be shared with industry.

PROBLEM STATEMENT: Our commercial fishing vessel regulations are difficult to interpret and understand with numerous applicability rules. The regulations frequently confuse fishers especially as the vessel gets larger and systems become more complicated. The Coast Guard believes it would be beneficial if it could provide all fisher's with an easy to use web based application that will assist them in determining their vessel's regulatory requirements.

RECOMMENDED ACTION: Through subcommittee consider whether the Coast Guard should pursue placing a web type application on the World Wide Web to assist Fisher's in determining their vessel's regulatory requirements.

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TASK:

- Develop a consensus on whether the application should be placed on the web and available to the general public.
- Identify how the output (printout) should look and what should be included.
- List any other possible uses of the application: self-examination & spot check etc.
- Select a spokesperson to brief committee on progress

XIII Presentation by Mr. Larry Yardburough

USCG 7th District Safety Coordinator

Coast Guard District Seven Commercial Fishing Vessel Safety Casualty Data

(See Appendix F for Power Point Presentation)

XIV Discussion

DAY TWO

I Meeting Called to Order by Chairman Herbert

II Break into Subcommittees

Discussion led by Mr. Don Harper, Commercial Vessel Safety Specialist, to focus on communications link between industry, CFIVSAC and USCG. The committee was asked to review the communications plan, specifically the USCG website, pamphlets and other placards, various published articles, as well as the possibility of incorporating canned radio public service announcements (PSAs). The proposed PSA would be a prerecorded message as explained by Frost.

TASK EVALUATION OF METHODS OF COMMUNICATIONS BETWEEN THE COAST GUARD AND THE UNINSPECTED COMMERCIAL FISHING FLEET

DESCRIPTION OF TASK: Assist the Coast Guard in evaluating methods of communicating safety issues and interests between the Coast Guard and the Commercial Fishing Fleet.

RECOMMENDED ACTION: Through face to face and telephonic subcommittee meetings, evaluate the existing methods and identify new methods of communicating safety issues and interests between the Coast Guard and the Commercial Fishing Fleet in an effort to enhance and ensure good communications with the Commercial Fishing Fleet.

BACKGROUND: In an effort to promote a safe working environment on commercial fishing industry vessels, the Coast Guard needs good two-way communications between the Coast Guard and the Commercial Fishing Industry Fleet. The Coast Guard needs to be able to clearly communicate the safety regulations and lessons learned to the commercial fishing industry and the commercial fishing industry needs to be able to communicate it's concerns for safety to the Coast Guard.

PROBLEM STATEMENT: The Coast Guard is not satisfied with the quality of two-way communications with the commercial fishing industry and suspects this could be a contributing factor in safety within the Commercial Fishing Industry Fleet. Through the review and evaluation of existing methods of communications, identify any weaknesses and new methods of two-way communications between the Coast Guard and the commercial fishing industry in an effort to improve safety and the industry's compliance with all appropriate laws and regulations.

TASK:

- Review the Coast Guard's Commercial Fishing Industry communications plan.
- Evaluate the effectiveness of the existing communications between the Coast Guard and the Commercial Fishing Industry Fleet.
- Develop a consensus and make a recommendation on how the Coast Guard can improve the effectiveness of two-way communications between the Coast Guard and the Commercial Fishing Industry Fleet.
- Select a spokesperson to brief committee on progress

RESULTS: Several issues were discussed that need to be addressed on the USCG website. Most problems revolved around the accessibility and applicability to the fisherman. Concerns with making information too Internet-based were raised, as that not all fishermen have the necessary capabilities, or abilities. The "three click" rule for accessibility to any pertinent information and links will be closely observed in the redesigned website. Members expressed frustration with printable formats, obscurity of data, and poor organization of the current site.

The PSA element to future communications plans was accepted. The consensus held that the PSAs should be scripted at HQ and disseminated, instead of prerecorded, in order to tailor the messages to localities. Suggestions were also made to coordinate these messages with NOAA radio.NOAH radio as well as state departments.

Other target areas for development: communication through family members, newsletters, and presentations at trade shows.

Finally, the committee decided the issue deserved a subcommittee devoted to its efforts. Weborg, Spinazzola, Nix, and Herbert volunteered.

III Rear Admiral Thomas Gilmour Address

Assistant Commandant for Marine Safety, Security and Environmental Protection

Discussion with the committee on various concerns and issues especially highlighted in the previous discussion throughout the meeting.

IV Subcommittee led by LT Vazquez

Task 04-0: Excess Equipment Found on Uninspected Commercial Fishing Industry Vessels

DESCRIPTION OF TASK: Assist the Coast Guard in reevaluating its policy regarding excess lifesaving equipment on Commercial Fishing Vessels.

RECOMMENDED ACTION: Through subcommittee work, review the present policy on excess lifesaving equipment and recommend changes.

BACKGROUND: There have been numerous inquiries and discussions concerning the carriage, installation, and maintenance of excess lifesaving equipment onboard commercial fishing vessels. Coast Guard Districts have applied differing interpretations, policy guidance, and enforcement actions. Some Districts have taken very literal interpretations requiring that all excess equipment must be an approved type and serviced on the specified time frame. Other Districts have taken a more relaxed position. Their focus is on the mandatory equipment; while requiring excess equipment be marked for “training use only”. 46 CFR § 28.140 delineates requirements and the Marine Safety Manual provides limited guidance on how excess equipment should be addressed.

PROBLEM STATEMENT: Is the Coast Guard's present policy on excess equipment reasonable or should it be changed Discuss different interpretations of the Coast Guard Regulation regarding excess lifesaving equipment. Explain the concerns regarding proper stowage and labeling of excess lifesaving equipment and the issue of whether individuals onboard might rely upon that piece of equipment.

TASK: Review Coast Guard policy and regulations related to excess equipment.

RESULTS: After review and clarification of standing regulations and policies, the committee concluded that no modifications were necessary.

V Public Comment Period Observed

Jennifer Lincoln of NIOSH thanked the committee and briefly discussed her doctoral studies, offering to be a resource for scientific data for the committee on various issues.

VI Subcommittee Summary Reports

See individual task "results" above.

VII New Business

Motion made to support comment on cold water safety based on Dr. Stienman's presentation. Motion accepted by the committee.

VIII Committee Business

- Nominations and elections
  - Mr. James Herbert reelected Chairman
  - Mr. Gregory Switlik elected Vice Chairman
- Potential date and location of the 24th CFIVSAC Meeting
  - Next meeting tentatively set for late March or Early April of 2004
  - No location was selected.
- Future business
- Closing comments
  - Impressions of the meeting's overall success given by members and USCG support

IX Meeting Adjourned